

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	EB Docket No. 02-21
)	
Peninsula Communications, Inc.)	
	)	File No. EB 01-IH-0609
Licensee of stations	)	FRN: 0001-5712-15
KGTL, Homer, Alaska;	)	Facility ID Nos. 52152
KXBA(FM), Nikiski, Alaska;	)	86717
KWVV-FM, Homer, Alaska; and	)	52145
KPEN-FM, Soldotna, Alaska.	)	52149
)	
Licensee of FM translator stations)	
K292ED, Kachemak City, Alaska;	)	52150
K285DU, Homer, Alaska;	)	52157
K285EG and K272DG, Seward, Alaska	)	52158 and 52160
)	
Former licensee of FM translator stations)	
K285EF, Kenai, Alaska;)	
K283AB, Kenai/Soldotna, Alaska;)	
K257DB, Anchor Point, Alaska;)	
K265CK, Kachemak City, Alaska;)	
K272CN, Homer, Alaska; and)	
K274AB and K285AA, Kodiak, Alaska		

ENFORCEMENT BUREAU EXHIBITS

Number, Title and Description	# of Pages
1. Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents	37
2. Peninsula Communications, Inc.'s Answers	13
3. Selected documents concerning K272CN, Homer	42
4. Selected documents concerning K274AB, Kodiak	97
5. Selected documents concerning K265CK, Kachemak City	42
6. Selected documents concerning K283AB, Soldotna	58
7. Selected documents concerning K285EF, Kenai	35

8. Selected documents concerning K257DB, Anchor Point/Seldovia	36
9. Selected documents concerning K285AA, Kodiak	54
10. Opposition to Application for Review, filed October 25, 1996	10
11. Application to Assign the License for Station K285EF, Kenai from Peninsula Communications, Inc. to Coastal Broadcast Communications, Inc., filed November 18, 1996	43
12. Application to Assign the License for Station K285EF, Kenai from Peninsula Communications, Inc. to Coastal Broadcast Communications, Inc., filed July 1, 1997	10
13. Opposition to Application for Review, filed December 30, 1997	18
14. Petition for Reconsideration, filed January 11, 1999	17
15. Letter from David F. Becker, president, Peninsula Communications, Inc. to David R. Buchanan, president, Coastal Broadcast Communications, Inc., dated December 14, 1999	2
16. Letter from Bank of America to Coastal Broadcast Communications, Inc., dated February 18, 1998	3
17. Letter from Bank of America to David R. Buchanan, dated January 6, 1999	1
18. Motion for Stay, filed February 23, 2000	10
19. Supplement to Motion for Stay, filed March 3, 2000	6
20. Rejection of Conditional License Renewal and Assignment of License Grants, filed March 15, 2000	2
21. Letter from Kenneth P. Jacobus to Richard L. Pomeroy, Assistant U.S. Attorney, dated May 25, 2002	1
22. News Release	1
23. Peninsula Communications, Inc. Income Statement (as of 8/13/02)	4
24. Peninsula Communications, Inc. rate cards	3
25. Dear Prospective and Valued Client letter	3

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K272CN, Homer, Alaska; and)	
K274AB and K285AA, Kodiak, Alaska)	

To: Peninsula Communications, Inc.

**ENFORCEMENT BUREAU'S REQUEST FOR
ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS**

The Enforcement Bureau, pursuant to section 1.246 of the Commission's rules, 47 C.F.R. § 1.246, hereby requests that within ten days of the service of this request, Peninsula Communications, Inc. ("Peninsula") admit to the truth of the following facts and genuineness of the attached documents, as set forth in the following numbered paragraphs. Each response should be labeled with the same number as the subject admission request and should be made under oath or affirmation of the person providing the response. In addition, Peninsula is reminded that "[a] denial shall fairly meet the substance of the

requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested he shall specify so much of it as is true and deny only the remainder.” 47 C.F.R. § 1.246(b).

Definitions

The following definition shall control: As used herein, the term "Peninsula" means Peninsula Communications, Inc., and/or its shareholders, directors, officers, agents, employees, consultants or other persons acting on his behalf.

Admissions

1. David F. Becker has been president of Peninsula since at least April 29, 1987.
2. David F. Becker has controlled 50 percent of the votes of Peninsula's voting stock since at least April 29, 1987.
3. Eileen L. Becker is secretary-treasurer of Peninsula.
4. Eileen L. Becker has controlled 50 percent of the votes of Peninsula's voting stock since at least April 29, 1987.
5. David F. Becker and Eileen L. Becker have been husband and wife to each other since at least April 29, 1987.
6. Peninsula currently operates Station KWVV-FM, Homer, Alaska, pursuant to a license issued by the Federal Communications Commission.
7. Peninsula has operated Station KWVV-FM, Homer, Alaska, continuously since at least June 1, 1994.
8. Peninsula last received renewal of license for Station KWVV-FM, Homer, Alaska, on March 6, 1998, for a term that expires February 1, 2006.

9. Peninsula currently operates Station KPEN-FM, Soldotna, Alaska, pursuant to a license issued by the Federal Communications Commission.
10. Peninsula has operated Station KPEN-FM, Soldotna, Alaska, continuously since at least June 1, 1994.
11. Peninsula last received renewal of license for Station KPEN-FM, Soldotna, Alaska, on January 27, 1998, for a term that expires February 1, 2006.
12. Attached hereto as Attachment 1 is a true and accurate copy of FCC 01-159, a Memorandum Opinion and Order and Order to Show Cause.
13. Peninsula received a copy of FCC 01-159 no later than May 30, 2001.
14. Attached hereto as Attachment 2 is a true and accurate copy of FCC 01-242, a Notice of Apparent Liability for Forfeiture and Order.
15. Peninsula received a copy of FCC 01-242 no later than September 6, 2001.
16. Attached hereto as Attachment 3 is a true and accurate copy of a "Declaration of David F. Becker, President, Peninsula Communications, Inc." dated and signed by David F. Becker on September 10, 2001.
17. Peninsula responded to the directives contained in paragraphs 15 and 22 of FCC 01-242, by "Declaration of David F Becker, President, Peninsula Communications, Inc." dated and signed by David F Becker on September 10, 2001.
18. From at least June 1, 1994, to the present, Peninsula has operated the FM translator station known as Station 285EF, Kenai, Alaska.
19. From at least June 1, 1994, to the present, Peninsula's operation of Station 285EF, Kenai, Alaska, has involved rebroadcasting FM signals transmitted by Peninsula over Station KWVV-FM, Homer, Alaska.

20. From at least June 1, 1994, to the present, Station 285EF, Kenai, Alaska, has provided FM broadcast service beyond the protected contour of Station KWVV-FM, Homer, Alaska, as the term "protected contour" is defined by section 74.1201(i) of the Commission's rules.
21. Peninsula has never received from the Federal Communications Commission a written waiver granting Peninsula authority to operate Station 285EF, Kenai, Alaska, at variance with the current version of section 74.1232(d) of the Commission's rules.
22. Peninsula knows that, absent a waiver of the current version of section 74.1232(d) of the Commission's rules, its operation of Station 285EF, Kenai, Alaska, has not been in conformance with the provisions of that rule.
23. Peninsula has understood from the time of its receipt of FCC 01-159, that the Commission cancelled Peninsula's license for Station 285EF, Kenai, Alaska.
24. From May 19, 2001, to the present, the income that Peninsula has derived from its operation of Station 285EF, Kenai, Alaska, has exceeded Peninsula's expenses related to the operation of that station.
25. From at least June 1, 1994, to the present, Peninsula has operated the FM translator station known as Station 283AB, Kenai/Soldotna, Alaska.
26. From at least June 1, 1994, to the present, Peninsula's operation of Station 283AB, Kenai/Soldotna, Alaska, has involved rebroadcasting FM signals transmitted by Peninsula over Station KPEN-FM, Soldotna, Alaska.
27. From at least June 1, 1994, to the present, Station 283AB, Kenai/Soldotna, Alaska, has provided FM broadcast service beyond the protected contour of Station KPEN-

FM, Soldotna, Alaska, as the term "protected contour" is defined by section 74.1201(i) of the Commission's rules

28. Peninsula has never received from the Federal Communications Commission a written waiver granting Peninsula authority to operate Station 283AB, Kenai/Soldotna, Alaska, at variance with the current version of section 74.1232(d) of the Commission's rules.
29. Peninsula knows that, absent a waiver of the current version of section 74.1232(d) of the Commission's rules, its operation of Station 283AB, Kenai/Soldotna, Alaska, has not been in conformance with the provisions of that rule.
30. Peninsula has understood from the time of its receipt of FCC 01-159 that the Commission cancelled Peninsula's license for Station 283AB, Kenai/Soldotna, Alaska.
31. From May 19, 2001, to the present, the income that Peninsula has derived from its operation of Station 283AB, Kenai/Soldotna, Alaska, has exceeded Peninsula's expenses related to the operation of that station.
32. From at least June 1, 1994, to the present, Peninsula has operated the FM translator station known as Station 257DB, Anchor Point, Alaska.
33. From at least June 1, 1994, to the present, Peninsula's operation of Station 257DB, Anchor Point, Alaska, has involved rebroadcasting FM signals transmitted by Peninsula over Station KPEN-FM, Soldotna, Alaska.
34. From at least June 1, 1994, to the present, Station 257DB, Anchor Point, Alaska, has provided FM broadcast service beyond the protected contour of Station KPEN-FM,

Soldotna, Alaska, as the term “protected contour” is defined by section 74.1201(i) of the Commission’s rules.

35. Peninsula has never received from the Federal Communications Commission a written waiver granting Peninsula authority to operate Station 257DB, Anchor Point, Alaska, at variance with the current version of section 74.1232(d) of the Commission’s rules.
36. Peninsula knows that, absent a waiver of the current version of section 74.1232(d) of the Commission’s rules, its operation of Station 257DB, Anchor Point, Alaska, has not been in conformance with the provisions of that rule.
37. Peninsula has understood from the time of its receipt of FCC 01-159 that the Commission cancelled Peninsula’s license for Station 257DB, Anchor Point, Alaska.
38. From May 19, 2001, to the present, the income that Peninsula has derived from its operation of Station 257DB, Anchor Point, Alaska, has exceeded Peninsula’s expenses related to the operation of that station.
39. From at least June 1, 1994, to the present, Peninsula has operated the FM translator station known as Station 265CK, Kachemak City, Alaska.
40. From at least June 1, 1994, to the present, Peninsula’s operation of Station 265CK, Kachemak City, Alaska, has involved rebroadcasting FM signals transmitted by Peninsula over Station KPEN-FM, Soldotna, Alaska.
41. From at least June 1, 1994, to the present, Station 265CK, Kachemak City, Alaska, has provided FM broadcast service beyond the protected contour of Station KPEN-FM, Soldotna, Alaska, as the term “protected contour” is defined by section 74.1201(i) of the Commission’s rules.

42. Peninsula has never received from the Federal Communications Commission a written waiver granting Peninsula authority to operate Station 265CK, Kachemak City, Alaska, at variance with the current version of section 74.1232(d) of the Commission's rules.
43. Peninsula knows that, absent a waiver of the current version of section 74.1232(d) of the Commission's rules, its operation of Station 265CK, Kachemak City, Alaska, has not been in conformance with the provisions of that rule.
44. Peninsula has understood from the time of its receipt of FCC 01-159 that the Commission cancelled Peninsula's license for Station 265CK, Kachemak City, Alaska.
45. From May 19, 2001, to the present, the income that Peninsula has derived from its operation of Station 265CK, Kachemak City, Alaska, has exceeded Peninsula's expenses related to the operation of that station.
46. From at least June 1, 1994, to the present, Peninsula has operated the FM translator station known as Station 272CN, Homer, Alaska.
47. From at least June 1, 1994, to the present, Peninsula's operation of Station 272CN, Homer, Alaska, has involved rebroadcasting FM signals transmitted by Peninsula over Station KPEN-FM, Soldotna, Alaska.
48. From at least June 1, 1994, to the present, Station 272CN, Homer, Alaska, has provided FM broadcast service beyond the protected contour of Station KPEN-FM, Soldotna, Alaska, as the term protected contour is defined by section 74.1201(i) of the Commission's rules.

49. Peninsula has never received from the Federal Communications Commission a written waiver granting Peninsula authority to operate Station 272CN, Homer, Alaska, at variance with the current version of section 74.1232(d) of the Commission's rules.
50. Peninsula knows that, absent a waiver of the current version of section 74.1232(d) of the Commission's rules, its operation of Station 272CN, Homer, Alaska, has not been in conformance with the provisions of that rule.
51. Peninsula has understood from the time of its receipt of FCC 01-159, that the Commission cancelled Peninsula's license for Station 272CN, Homer, Alaska.
52. From May 19, 2001, to the present, the income that Peninsula has derived from its operation of Station 272CN, Homer, Alaska, has exceeded Peninsula's expenses related to the operation of that station.
53. From at least January 29, 2001, to the present, Peninsula has operated the FM translator station known as Station 274AB, Kodiak, Alaska.
54. From at least January 29, 2001, to the present, Peninsula's operation of Station 274AB, Kodiak, Alaska, has involves rebroadcasting FM signals transmitted by Peninsula over Station KPEN-FM, Soldotna, Alaska.
55. From at least January 29, 2001, to the present, Station 274AB, Kodiak, Alaska, has provided broadcast service beyond the protected contour of Station KPEN-FM, Soldotna, Alaska, as the term "protected contour" is defined by section 74.1201(i) of the Commission's rules.
56. Peninsula has never received from the Federal Communications Commission a written waiver granting Peninsula authority to operate Station 274AB, Kodiak,

Alaska, at variance with the current version of section 74.1232(d) of the Commission's rules

57. Peninsula knows that, absent a waiver of the current version of section 74.1232(d) of the Commission's rules, its operation of Station 274AB, Kodiak, Alaska, when such operation has involved rebroadcasting Station KPEN-FM, Soldotna, Alaska, has not been in conformance with the provisions of that rule.

58. Peninsula has understood from the time of its receipt of FCC 01-159, that the Commission cancelled Peninsula's license for Station 274AB, Kodiak, Alaska.

59. From May 19, 2001, to the present, the income that Peninsula has derived from its operation of Station 274AB, Kodiak, Alaska, has exceeded Peninsula's expenses related to the operation of that station

60. From at least January 29, 2001, to the present, Peninsula has operated the FM translator station known as Station 285AA, Kodiak, Alaska.

61. From at least January 29, 2001, to the present, Peninsula's operation of Station 285AA, Kodiak, Alaska, has involves rebroadcasting FM signals transmitted by Peninsula over Station KWVV-FM, Homer, Alaska.

62. From at least January 29, 2001, to the present, Station 285AA, Kodiak, Alaska, has provided broadcast service beyond the protected contour of Station KWVV-FM, Homer, Alaska, as the term "protected contour" is defined by section 74.1201(i) of the Commission's rules.

63. Peninsula has never received from the Federal Communications Commission a written waiver granting Peninsula authority to operate Station 285AA, Kodiak,

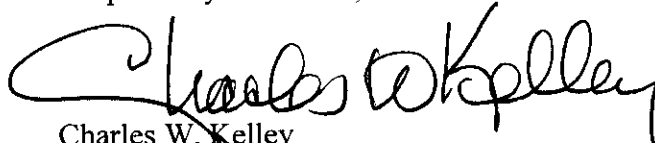
Alaska, at variance with the current version of section 74.1232(d) of the Commission's rules.

64. Peninsula knows that, absent a waiver of the current version of section 74.1232(d) of the Commission's rules, its operation of Station 285AA, Kodiak, Alaska, when such operation has involved rebroadcasting Station KWVV-FM, Homer, Alaska, has not been in conformance with the provisions of that rule.

65. Peninsula has understood from the time of its receipt of FCC 01-159, that the Commission cancelled Peninsula's license for Station 285AA, Kodiak, Alaska.

66 From May 19, 2001, to the present, the income that Peninsula has derived from its operation of Station 285AA, Kodiak, Alaska, has exceeded Peninsula's expenses related to the operation of that station.

Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division



James W. Shook
Attorney



Judy Lancaster
Attorney

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March 7, 2002

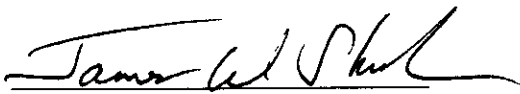
Certificate of Service

James W. Shook, an attorney in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has on this 7th day of March, 2002, sent by facsimile, by first class United States mail, or delivered by hand, one copy of the foregoing "Enforcement Bureau's Request for Admission of Fact and Genuineness of Documents" to each of the following:

David F. Becker, President (by first class mail)
Peninsula Communications, Inc
Post Office Box 109
Homer, Alaska 99603

Jeffrey D. Southmayd, Esquire (by facsimile)
Southmayd & Miller
1220 19th Street, N.W., Suite 400
Washington, D.C. 20036

Administrative Law Judge Richard L. Sippel (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C749
Washington, D.C. 20554


James W. Shook